

REMARKS

In the Office Action¹, mailed August 5, 2010, the Examiner rejected claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0013716 to Dunham et al. ("*Dunham*") in view of U.S. Patent No. 6,042,005 to Basile et al. ("*Basile*"), U.S. Patent No. 6,335,688 to Sweatte ("*Sweatte*"), U.S. Patent Publication No. 2003/0037063 to Schwartz ("*Schwartz*") and a publication titled Using Benefit-Cost Analysis to Assess Child Abuse Prevention and Intervention Programs by Plotnick et al. ("*Plotnick*").

By this Amendment, Applicants have amended claims 1, 2, 13, and 14. No new matter has been added. Claims 1-24 remain pending and under examination.

I. **The § 103 Rejection of Claims 1-24 Based on *Dunham*, *Basile*, *Sweatte*, *Schwartz*, and *Plotnick***

Applicants respectfully traverse the rejection of claims 1-24 under 35 U.S.C. §103 as being obvious from *Dunham* in view of *Basile*, *Sweatte*, *Schwartz*, and *Plotnick*.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 7 (July 2008)(internal citation and inner quotation omitted). "[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . .

[a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). In rejecting a claim, "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

Claim 1, as amended, calls for a combination including, for example, "receiving, from a reporting terminal, child update information on the child and an identifier for the reporting terminal from a reporter observing the child using the case identification card" and "receiving welfare benefit payment information related to the child, the welfare benefit payment information comprising information related to a benefit payment received from the welfare system for the child." Because the cited documents fail to teach or suggest at least these elements of claim 1, the claim is not obvious over the cited references.

The Office Action alleged that the contract information, including county programs that reimburse the participating agency for care provided, of *Dunham* constitutes the claimed "receiving welfare benefit information." Applicants respectfully disagree. *Dunham* discloses that "[f]inancial information is first input into the system 10 and then utilized by the system 10 to generate bills, invoices, and other financial documents." *Dunham*, ¶ 0093 (emphasis added). Specifically, *Dunham* discloses that "details of the contracts are utilized to calculate costs and incomes of the participating organization." *Dunham*, ¶ 0094 (emphasis added). Generating bills, invoices, and other financial documents and calculating costs and incomes does not constitute

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

"receiving welfare benefit payment information . . . received from the welfare system for the child" because nothing is received. Indeed, the system of *Dunham* discloses a system for tracking reimbursements based on contracts, not distributions of welfare payments.

Furthermore, the system of *Dunham* fails to disclose "receiving . . . an identifier for the reporting terminal," as recited in amended claim 1. For at least these reasons, *Dunham* fails to disclose or suggest "receiving, from a reporting terminal, child update information on the child and an identifier for the reporting terminal from a reporter observing the child using the case identification card" in combination with "receiving welfare benefit payment information related to the child, the welfare benefit payment information comprising information related to a benefit payment received from the welfare system for the child," as recited in amended claim 1.

The Office Action cited *Basile* as teaching a child identification card that is used to obtain the child's personal information. O.A. at 4. Even assuming this characterization of *Basile* is correct, which Applicants do not concede, *Basile* fails to cure the deficiencies of *Dunham*, discussed above. That is, *Basile*, also, fails to teach or suggest "receiving . . . an identifier for the reporting terminal" and "receiving welfare benefit payment information," as recited in amended claim 1.

The Office Action cited *Sweatte* as teaching the step of determining a location of the child via a location device in the proximity of the child. O.A. at 4. Assuming, without conceding, this characterization of *Sweatte* is correct, *Sweatte* still fails to cure the deficiencies of *Dunham*, discussed above. That is, *Sweatte*, also, fails to teach or

suggest "receiving . . . an identifier for the reporting terminal" and "receiving welfare benefit payment information," as recited in amended claim 1.

The Office Action cited *Schwartz* as teaching a case docket that includes child update information. O.A. at 5. Even assuming this characterization of *Schwartz* is correct, which Applicants do not concede, *Schwartz* fails to cure the deficiencies of *Dunham*, discussed above. That is, *Schwartz*, also, fails to teach or suggest "receiving . . . an identifier for the reporting terminal" and "receiving welfare benefit payment information," as recited in amended claim 1.

The Office Action cited *Plotnick* as teaching the use of benefit-cost analysis to inform decision-makers about which programs hold the most promise in order to use the information to determine funding priorities. O.A. at 6. Assuming, without conceding, this characterization of *Plotnick* is correct, *Plotnick* still fails to cure the deficiencies of *Dunham*, discussed above. That is, *Plotnick*, also, fails to teach or suggest "receiving . . . an identifier for the reporting terminal" and "receiving welfare benefit payment information," as recited in amended claim 1.

In view of the above, there are significant gaps between the content of the prior art and the claimed invention. Accordingly, one of skill in the art would not have found the claimed combination obvious in view of the prior art. For at least this reason, claim 1 is not obvious over the cited art. The rejection of amended claim 1 under 35 U.S.C. § 103(a) as being obvious from *Dunham* in view of *Basile*, *Sweatte*, *Schwartz*, and *Plotnick* should be withdrawn.

Although of different scope, independent claim 13, as amended, includes elements similar to those discussed above. For at least the same reasons presented

above in connection with the patentability of claim 1, independent claim 13 is nonobvious and, thus, is allowable. Dependent claims 2-12 and 14-24 are also allowable at least by virtue of their dependence from independent claims 1 or 13, as well as by virtue of reciting additional elements not taught or suggested by the cited references. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1-24.

III. Conclusion

In view of the foregoing remarks and amendments, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: October 8, 2010

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